

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 24031 of 2005(J)

PETITIONER:

**NOBLE JOSE,
J.S. NIVAS, PANANGODE, VENGANOOR P.O.,
TRIVANDRUM-23, VILLAGEMAN,VENGANOOR VILLAGE OFFICE**

**BY ADV. SRI.VAKKOM N.VIJAYAN
SMT.VINITHA PRASANNAN
SRI.P.ANIYAN
SMT.RAGAM.K.P.
SMT.REENA.C.STEPHENSON
SRI.A.S.SACHIN**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT
OF KERALA, TRIVANDRUM.**
- 2. THE SECRETARY TO GOVERNMENT,
SOCIAL WELFARE (A) DEPARTMENT,
GOVERNMENT OF KERALA, TRIVANDRUM.**
- 3. DIRECTOR OF SOCIAL WELFARE DEPARTMENT,
TRIVANDRUM.**

BY GOVERNMENT PLEADER SHRI.P.NANDAKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.24031 of 2005.

Petitioner's Exhibits:-

- P1: Copy of Government Order - GO(P).No.33/2005/SWD dtd.5-3-2005 with a list of physically handicapped persons.**
- P2: Copy of judgment dtd.17-5-2005 in WP(C).No.14408/05(M) of this Hon'ble Court.**
- P3: Copy of order dtd.28-7-2005 vide No.GO(Rt.) No.359/05/SWD.**
- P4: Copy of Discharge certificate No.1352/B1/99 dtd.17-5-2000 to T.V.Sreeni, BAMS., by the O/o.the Principal, Ayurveda College, Tripunithura.**
- P5: Copy of Discharge Certificate of Nirmalakumari.**
- P6: Copy of Discharge Certificate dtd.15-1-2000 to Dr.Krishna Kumar.**
- P7: Copy of Discharge Certificate dtd.17-9-1999 to E.Shaji.**
- P8: Copy of Discharge Certificate dtd.15-1-2000 to Premjith Vijayan.**
- P9: Copy of Discharge Certificate dtd.4-11-1999 to Kum.P.C.Rajimol.**
- P10: Copy of Discharge Certificate dtd.27-1-2000 issued to Saji S.**
- P11: Copy of GO(Ms).No.19/03/SWD dtd.29-5-2003.**
- P12: Copy of order dtd.9-12-2005 in WP(C).No.34254.05-C of this Hon'ble Court.**
- P13: Copy of judgment dtd.18-1-2007 in WA.No.1601/2006 A of this Hon'ble Court.**

Respondents' Exhibits:- Nil.

-// true copy //-

P.A. To Judge.

kvs/-

K.K.DENESAN, J.

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WP(C) .No.24031 of 2005-J.
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Dated this the 27th day of February, 2007.

J U D G M E N T

The petitioner, admittedly, is a physically challenged person. He was appointed as per Rule 9(a) (i) of K.S. & S.S.R. for a period of 179 days. His date of commencement of service falls between 15-8-1998 and 15-8-1999. To complete the full period of 179 days, he had to work beyond 15-8-1999. However, he is entitled to the benefit of G.O.(P) No.33/2005/SWD, dated 5-3-2005 as construed by the Division Bench in the judgment in WA.No.1601 of 2006. The ratio of the above decision squarely applies to the facts of this case. It is so declared.

2. Those continuing either on the basis of the orders of this Court or otherwise, shall be allowed to continue and their services regularised by passing appropriate orders. In the case of the petitioner whose service has been terminated, the Government

shall take immediate steps to reinstate him in service and regularise his service. This shall be done within two months from the date of receipt of a copy of this judgment.

The writ petition is allowed as above.

K.K.DENESAN, JUDGE.

kvs/-